

**REMARKS**

Claims 1-17 have been examined on their merits.

Applicant herein cancels claims 15-17 without prejudice and/or disclaimer.

Applicant herein editorially amends claims 1, 3-6, 8 and 10-14 to clarify relationships between the transmitters and receivers of the fixed and remote units, to remove “means of” language and to remove “adapted” language. The amendments to claims 1, 3-6, 8 and 10-14 were made merely to more accurately claim the present invention, and were not made for reasons of patentability.

Claims 1-14 are all the claims presently pending in the application.

1. Claims 1-3, 7-10, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cheng (U.S. Patent No. 5,563,883) in view of Barzegar *et al.* (U.S. Patent Publication No. 2001/0028644). The rejection of claim 15 is now moot due to its cancellation. Applicant traverses the § 103(a) rejection of claims 1-3, 7-10 and 14 for at least the reasons discussed below.

As discussed in the Rule 111 Amendment filed on March 16, 2005, Cheng fails to teach or suggest at least a signaling multiframe is used between a fixed unit and a plurality of remote units, wherein a remote unit only uses a virtual identity in the signaling multiframe when sending a message and releases the virtual identity after the message transmission is complete, as recited in claim 1. The disclosure of Cheng that the remote terminals respond to requests for service initiated by a central controller is contrary to the invention recited in claim 1, which has remote

terminals that use a virtual identity only when a message transmission is necessary, and release the virtual identity thereafter. In Cheng's system, the remote terminals have to remain attached to their assigned channel (or virtual identity as alleged by the Patent Office) in order to respond to the polling of the central controller. In sum, Cheng fails to teach or suggest the usage of a virtual identity only for the duration of a message transmission and release of the virtual identity thereafter.

The Patent Office argues that Barzegar *et al.* overcome the acknowledged deficiencies of Cheng with respect to the usage of a virtual identity only for the duration of a message transmission and release of the virtual identity after message completion. However, the combination of Barzegar *et al.* with Cheng changes the principle of operation of Cheng. As discussed above and in the Rule 111 Amendment filed on March 16, 2005, the remote terminals of Cheng's system have to remain attached to their assigned channel (or virtual identity as alleged by the Patent Office) in order to respond to the polling of the central controller. Critically, the Patent Office has not challenged Applicant's statements regarding this feature of Cheng. Furthermore, the Patent Office overlooks that Cheng discloses that there is always a number of remote terminals that are "assigned" to a channel. The assigning of remote units to channels is a requirement of the solution disclosed in Cheng and is claimed therein (see, *e.g.*, claim 1). The criterion for assigning is disclosed, *inter alia*, in the paragraph bridging columns 6 and 7, where Cheng states "[t]he number of remote terminals assigned to each of the RD channel is to be evenly distributed according to the traffic demand" and "[i]n the case of identical traffic requirements from all users, the number of remote terminals assigned to each of the RD channel

will be equal.” This means there is always a group of remote terminals (the number of which may be changed) that are, in any case, assigned to a channel. Thus, in order to send a signaling message, each remote terminal pertaining to a specific group must wait its turn in a cyclic allocation of time of usage. This is exactly what the invention avoids (see, *e.g.*, page 1, line 35 to page 2, line 8 of the instant written disclosure). The present invention does not assign the remote unit to a channel, but instead provides the remote unit with the possibility of selecting an available virtual identity (*cf.* page 4, lines 18-22). In this manner, the remote unit does not occupy the any time slot when it does not need to send a message.

With the Patent Office’s combination of Cheng and Barzegar *et al.*, the operation of Cheng changes in that the central controller cannot accomplish its polling function, since Barzegar *et al.* would require that the remote terminals detach from their assigned channel. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (C.C.P.A. 1959). As noted above, Barzegar *et al.* would change the principle of operation of Cheng, and therefore is insufficient to render claim 1 obvious.

In addition, since the proposed modification to Cheng by Barzegar *et al.* would render Cheng unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

Based on at least the foregoing reasons, Applicant submits that claim 1 is in condition for allowance over the combination of Cheng and Barzegar *et al.*, and further submits that claims 2,

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3 and 7 are allowable as well, at least by virtue of their dependency from claim 1. Applicant respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 1-3 and 7.

With respect to independent claim 8, Applicant submits that claim 8 is allowable for at least reasons analogous to those discussed above with respect to claim 1. Thus, Applicant submits that claim 8 is allowable, and further submits that claims 9, 10 and 14 are allowable as well, at least by virtue of their dependency from claim 8. Applicant respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 8-10 and 14.

2. Claims 4-6, 11-13, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cheng in view of Barzegar *et al.* and in further view of Grauel *et al.* (U.S. Patent No. 4,573,206). The rejection of claims 16 and 17 is now moot due to their cancellation. Applicant traverses the § 103(a) rejection of claims 4-6 and 11-13 for at least the reasons discussed below.

Claims 4-6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng in view of Barzegar *et al.* and in further view of Grauel *et al.* Since claims 4-6 depend upon claim 1 and since Grauel *et al.* does not cure the deficient teachings of Cheng in view of Barzegar *et al.* with respect to the use and release of virtual identities in a signaling multiframe, Applicant submits that claims 4-6 are patentable at least by virtue of their dependency from claim 1. Therefore, Applicant respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 4-6.

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Claims 11-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng in view of Barzegar *et al.* and in further view of Grauel *et al.* Since claims 11-13 depend upon claim 8 and since Grauel *et al.* does not cure the deficient teachings of Cheng in view of Barzegar *et al.* with respect to the use and release of virtual identities in a signaling multiframe, Applicant submits that claims 11-13 are patentable at least by virtue of their dependency from claim 8. Therefore, Applicant respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 11-13.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

Respectfully submitted,



Paul J. Wilson  
Registration No. 45,879

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